

**Enrolled Minutes of the Seventh Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, April 14, 2008**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, April 14, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda.
2. The Town Council discussed with the Town Attorney the recent Indiana Court of Appeals ruling in favor of the Town associated with the Finke v. Town of Highland litigation. The Town Attorney noted that the Court of Appeals affirmed the summary judgment of the trial court in favor of the Town of Highland.
3. The Town Council discussed an inquiry made by Ken Scheeringa and the Scheeringa Trust communicated by Councilor Kuiper about the prospect of extending the term of the non-conforming use at the Kleinman Road property for the parking of semi-tractors and trailers. The use had been permitted by agreement until the death of Mrs. Grace Scheeringa who lived at the site. She was recently deceased.

The study session ended at 7:08 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 14, 2008 at 7:11 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Council President Bernie Zemen leading the pledge of allegiance to the United States Flag and Rev. Jason Jones, Pastor of the First Christian Church of Highland, offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Lisa Gauthier, Karen Ziants and Laurel Roach of the Special Events Advisory Committee; and Ed Dabrowski were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 10 March 2008 and 24 March 2008 were approved by general consent.

Special Orders:

1. **Public Hearing on the Matter of Resolution No. 2008-09 in which the Town Council designated an Economic Revitalization Area (ERA).** The Economic Revitalization Area was designated by the Town Council for Lots #5 and #6 of the St. James Fifth Addition, commonly known as 2609 45th Street in the Town of Highland, Indiana at its meeting of March 10, 2008. At the same meeting, the Town Council fixed the date of April 14, 2008 as the date to hear testimony, remonstrances and objections from persons affected by or interested in the designated Economic Revitalization Area.

The purpose of the Economic Revitalization Area (ERA) is to permit the Town Council as the designating body to offer in certain instances, the new tax value of real property improvements, new machinery or equipment to be added to the tax base gradually over a fixed period of up to ten years, while the taxpayer still pays the regular taxes on the property pre-improvement. This process is commonly called tax abatement. Before receipt of a specific proposal, it is a goal of the program to have a net increase of 3-5 full-time (FTE) jobs and a \$252,800 increase in the assessed value or real estate by the year ended December 31, 2018.

- (a) Review of Proofs of Publication and required filings: Times 25 March 2008. The Town Attorney indicated that the required filings and proofs of publication were in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. Councilor Herak inquired if the ERA was established and the pending tax abatement was granted, whether or not Bell Parts Supply would be remaining in Town. Mr. Bell, who was present, indicated that the business intended to remain in Highland. There were no other public comments, written or spoken. The hearing was closed.
- (c) Consideration of **Resolution No. 2008-13: A Resolution Designating an Economic Revitalization Area for Lots #5 and #6 of the St. James Fifth Addition, commonly known as 2609 45th Street in the Town of Highland, Indiana.**

Councilor Herak moved the passage and adoption of Resolution No. 2008-13. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed, the resolution was adopted.

TOWN OF HIGHLAND, INDIANA RESOLUTION NO. 2008-13

A RESOLUTION DESIGNATING AN ECONOMIC REVITALIZATION AREA AT 2609 FORTY FIFTH STREET

WHEREAS, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities and installation of new machinery and equipment in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, The Act provides that such Economic Revitalization Areas are areas within the Town which have:

"...become undesirable for, or impossible of, normal development, and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property", and

WHEREAS, The Act empowers the Town Council to designate Economic Revitalization Areas within the Town by following a procedure hearing, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of the Preliminary Resolution and a Final Resolution, and

WHEREAS, The Town Council adopted Resolution 2008-09 fixing 7:00 PM, Monday, **April 14, 2008** in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving remonstrances and objections from persons interested in or affected by the designation of a Economic

Revitalization Area and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

WHEREAS, Notice of the public hearing was given to taxing units with a report consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed Economic Revitalization Area ten days prior to the public hearing; and

WHEREAS, Having conducted the public hearing on Monday, April 14, 2008, in which the Town Council received evidence concerning the Economic Revitalization Area, including all remonstrances and objections from interested persons, the Town Council now desires to take appropriate action regarding the designation of an Economic Development Area (ERA), based upon that evidence, the Statement of Benefits and the Council's independent investigation;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. That the Town Council hereby finds and determines that designation of 2609 Forty Fifth Street as an Economic Revitalization Area is consistent with its guidelines, endeavoring to create a positive image for the town through well designed, high quality development; to increase jobs and generate tax revenues through new development; to encourage development of business opportunities for all; to encourage private investment along Forty Fifth Street; to enhance district neighborhoods through increased well planned economic opportunities; and to aid in the elimination of incomplete or inappropriate land uses.

Section 2. That the Town Council hereby still further finds and determines as follows:

(a) That real estate located at 2609 Forty Fifth Street continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

(b) That the goal for a net increase of 3 to 5 full-time equivalent (FTE) jobs as set forth in the *Statement of Estimated Benefits* associated with the ERA designation can reasonably be expected to result within the *Economic Revitalization Area* with average salaries of \$32,000 to \$35,000 per year from private investment that would not occur but for a property tax abatement incentive; and

(c) That the goal for a \$272,800 increase in the assessed value of real estate can reasonably be expected to result within the *Economic Revitalization Area* from private investment that would not occur but for a property tax abatement incentive; and

(d) That the totality of the benefits expected increased private investment within the *Economic Revitalization Area* is sufficient to justify property tax deductions; and

(e) That in making the foregoing findings and determinations regarding designation of the real estate as an *Economic Revitalization Area*, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town.

(f) That the foregoing findings of fact are true, all information required to be submitted has been submitted in proper form and all requirements for approval of property tax abatement within the Highland Redevelopment Area have been met.

Section 3. That Resolution 2008-09 adopted by the Town Council on March 10, 2008 is hereby confirmed and the real estate located at 2609 Forty Fifth Street as described in Exhibit A is hereby declared, designated and found to be an *Economic Revitalization Area*.

Section 4. That a property owner or owners within the *Economic Revitalization Area* who seek tax abatement must submit an application on a form approved by the Redevelopment Commission and a "Statement of Benefits" (Form SB-1) prescribed by the Indiana Department of Local Government Finance before installing new equipment or before the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. The application will establish standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives and design standards of the Redevelopment Commission.

Section 5. That along with the application, a fee shall be paid, hereby fixed in the amount of \$250.00 to defray actual processing and administrative costs.

Section 6. That as part of the consideration of all abatement applications, the Town Council will conduct a public hearing before making its decision whether or not to approve a deduction. The Town Council may approve a deduction period up to ten (10) years.

Section 7. That the Clerk-Treasurer is authorized and directed to file a copy of this resolution, including a description of the real estate as contained in **Exhibit A**, with the Lake County Auditor and the Indiana Department of Local Government Finance.

DULY RESOLVED and ADOPTED this 14th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

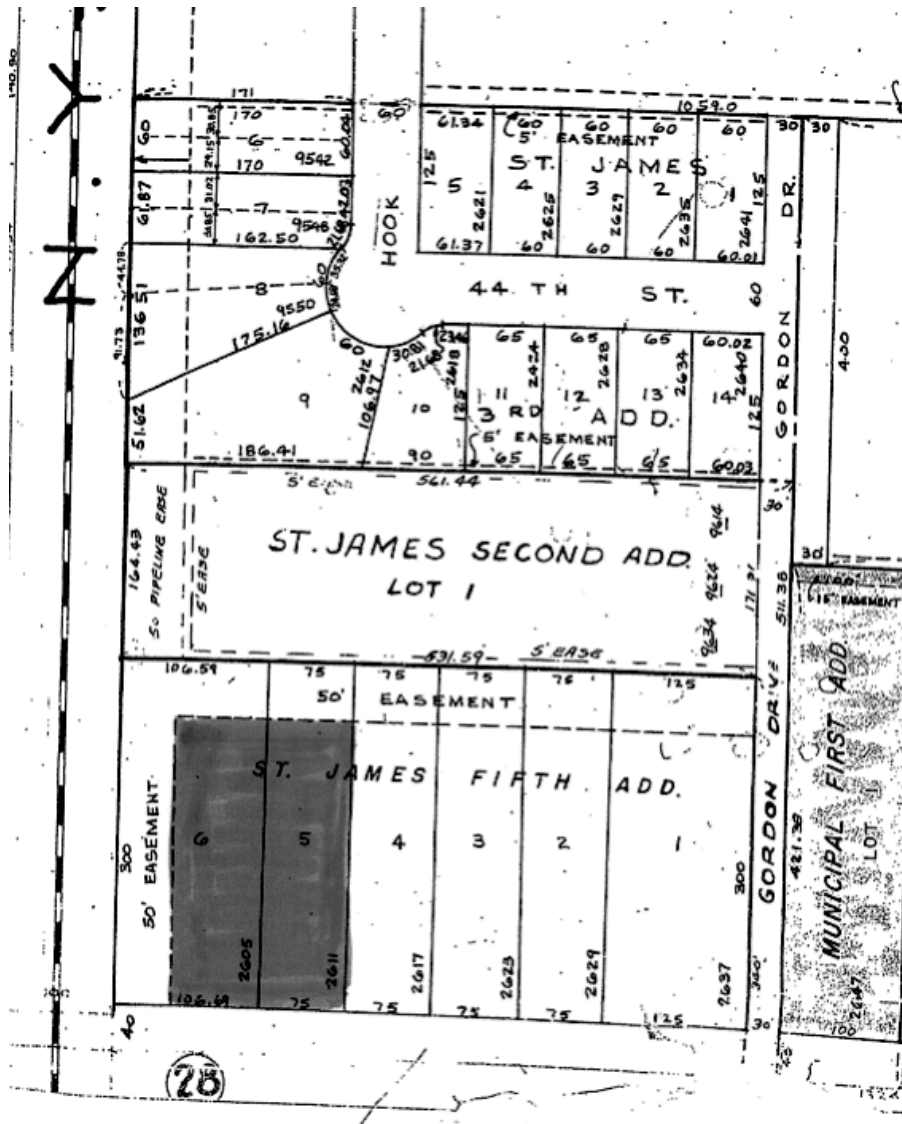
Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT A

Legal Description of 2609 Forty-Fifth Street

Lots #5 and #6 of the St. James Fifth Addition in the Town of Highland, Indiana



2. **Ceremony:** Commissioning of Metropolitan Police chaplain Candidate Rev. **Jason Jones**. Police Chaplain Candidate Jones appointed by the Town Board of Metropolitan Police Commissioners at its meeting of April 10, 2008, with appointment to be effective 14th day of April 2008.
 - (a) The Clerk-Treasurer posed the interrogatories to the chaplain's candidate Rev. Jason Jones.
 - (b) Town Council action to affirm the action of the Metropolitan Board of Police Commissioners and to authorize the chaplains' commission. Councilor Kuiper moved to affirm the action of the Town Board of Metropolitan Police Commissioners and to commission Rev. Jones as a Metropolitan Police Chaplain. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The chaplain was commissioned.

(c) The Metropolitan Police Chief presented the Chaplain's Badge.

Comments from the Public for Matters on the Agenda

1. Karen Slager, 2252 Ridge Road, Highland, identified herself as a member of the Audubon Society and inquired whether or not there was to be a presentation at this meeting for the Audubon society regarding the Great Blue Herron Rookery. It was noted that the meeting about which she inquired was scheduled for the study session of 21 April. There was no further comment.

Staff Reports: The Council received the following reports as information for the record:

• Building & Inspection Report for March 2008

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	2	2	0	\$400,000.0	\$4,420.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	1	0	1	\$900,000.00	\$9,320.00
Residential	52	52	0	\$2,773,692.00	\$6,203.00
Addit/Remodel					
Commercial	1	0	1	\$1,000.00	\$66.00
Addit/Remodel					
Sheds	0	0	0	\$0.00	\$0.00
Fences	9	9	0	\$59,866.00	\$1,154.00
Garage	0	0	0	\$0.00	\$0.00
Swimming Pools	0	0	0		\$0.00
Misc. Permits	13	13	0	\$52,768.00	\$1,308.00
Misc. other	2	2	0	\$0.00	\$116.00
Signs	0	0	0	\$0.00	\$0.00
Fire Repair	0	0	0	\$0	\$0
Total:	80	78	2	\$4,187,326.00	\$22,587.00
Electrical Permits	26	21	5		\$3,796.00
Plumbing Permits	7	4	3		\$1,479.00
Water Meters	5	4	1		\$700.00
Water Taps	2	2	0		\$400.00
Sewer Taps	5	5	0		\$1,500.00
Total:	19	15	4		\$4,079.00

March Code Enforcement: 90 warnings issued and 4 citations were issued.

There were 14 final building inspections, 2 plumbing inspections, and 10 electrical inspections. There was 1 electrical exam given.

• Fire Department Report for March 2008

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	12	36	44	
Car Fires	1	2	2	
Still Alarms	10	17	24	
Ambulance calls	1	1	0	

• Workplace Safety Report for March 2008

There was one incident reported in March. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	1	1	6	0	0	0	0
Fire	0	1	1	0	0	0	0

Police	0	0	10	0	0	55	70
Street	0	0	2	0	0	0	0
Water & Sewer	0	2	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
TOTALS	1	4	25	0	0	55	70

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

• Statutory Boards and Commissions (Regional Appointment)

- Special Resolution No. 2008-12:** A Resolution for a *Joint re-appointment* of **Cordell Surret** to the Lake County Regional Bus Authority, subject to the concurring action of the legislative bodies of Griffith and Munster, all pursuant to IC 36-9-3-5(c)(4). Councilor Novak moved the passage and adoption of Resolution No. 2008-12. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

Special Joint Resolution REGIONAL BUS AUTHORITY APPOINTMENT

TOWN OF GRIFFITH RESOLUTION NO. _____
TOWN OF HIGHLAND RESOLUTION NO. 2008-12
TOWN OF MUNSTER RESOLUTION NO. _____

A JOINT RESOLUTION APPROVING AND AUTHORIZING THE APPOINTMENT OF A REPRESENTATIVE TO THE REGIONAL BUS AUTHORITY REPRESENTING THE TOWNS OF GRIFFITH, HIGHLAND AND MUNSTER, ALL PURSUANT TO IC 36-9-3-5(C)(4) ET SEQ.

Whereas, The Fiscal Body of Lake County, did pass and its Executive did adopt an ordinance to establish a Regional Bus Authority, pursuant to IC 36-9-3 et sequitur; and

Whereas, The Lake County Regional Bus Authority, is under the control of a board comprised of 21 members, to which the municipalities of Griffith, Highland and Munster, through their fiscal bodies, have a single, joint appointment, pursuant to IC 36-9-3-5(c)(4);

Whereas, The members of the Board of the Lake County Regional Bus Authority serve for a term of two years, pursuant to IC 36-9-3-6(b)(1);

Whereas, The member currently serving on the Board, whose appointment is authorized under IC 36-9-3-5(c)(4), is presently subject to re-appointment; and

Whereas, The fiscal bodies of Griffith, Highland and Munster, note that the member currently serving on the Board, whose appointment is authorized under IC 36-9-3-5(c)(4), **Mr. Cordell Surret**, capably and well serves on the board, having vocational experience as a public transportation professional; and

Whereas, The fiscal bodies of Griffith, Highland and Munster, as the appointing authority, are desirous of re-appointing the member currently serving on the Board, whose appointment is authorized under IC 36-9-3-5(c)(4),

NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL BODIES of the MUNICIPALITIES IDENTIFIED ON THE ATTACHED PARTICIPANT COUNTERPART JURATS, AS FOLLOWS:

Section 1: That the following identified member currently serving on the Board, whose appointment is authorized under IC 36-9-3-5(c)(4), be hereby re-appointed to the Board of the Lake County Regional Bus Authority, for the statutory term, at the pleasure of the appointing authority, *concluding on January 1, 2010*, until a successor is appointed and qualified, subject to the limitation in IC 36-9-3-6(d):

Cordell Surret
1439 Birch Street
Griffith, Indiana 46319

Section 2: That this resolution shall take effect from and after its passage and adoption by the fiscal body of the Town of Griffith, the fiscal Body of the Town of Highland and the fiscal body of the Town of Munster, all of Lake County, Indiana, as evidenced by the attached participant counterpart jurats, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

Section 3: That the Clerk-Treasurer of the Town of Highland is hereby instructed to transmit this resolution and participant counterpart jurats to the fiscal bodies identified in IC 36-9-3-5(c)((4) (A) and (C), and be responsible to cause originals of this resolution, if adopted, to be filed with those fiscal bodies, and to communicate the action of the appointing authority to the Lake County Regional Bus Authority.

Participant Counterpart and Jurat

EFFECTIVE DATE. This resolution shall be effective as set forth in Section 2 of the resolution after the same has been ratified by each of the participating entities, all pursuant to IC 36-9-3-5(c)(4).

DULY RESOLVED and ADOPTED this 14th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN of HIGHLAND, INDIANA
3333 Ridge Road, Highland, Indiana 46322-2089

Through its Town Council, which is the fiscal body of the municipality, pursuant to IC 36-1-2-6(4) and is a fiscal body authorized to participate in the joint appointment pursuant to IC 36-9-3-5(c)(4)(B).

By:

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Unfinished Business and General Orders:

1. Introduced Ordinance No. 1385: An Ordinance to Amend the Subchapter styled as Special Events Advisory Committee, Chapter 30 of the Highland Municipal Code. The ordinance was introduced by Councilor Vassar at the Town Council meeting of 25 February 2008. There was no further action.

This ordinance if adopted modifies the existing Special Events Advisory Committee pursuant to actions taken at the Town Council meeting of March 24, 2008, by expanding its membership from the current seven to up to 11 members. During study sessions in January and February, the Town Council discussed these prospective changes.

Councilor Vassar moved the passage and adoption of Ordinance No. 1385. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

TOWN OF HIGHLAND, INDIANA
ORDINANCE NO. 1385

AN ORDINANCE TO AMEND SEVERAL CHAPTERS OF THE HIGHLAND MUNICIPAL CODE REPEALING THE EXISTING SPECIAL EVENTS ADVISORY COMMISSION AND THEN RE-ESTABLISHING A SPECIAL EVENTS ADVISORY COMMISSION APPOINTED BY THE MUNICIPAL EXECUTIVE AND the MUNICIPAL LEGISLATIVE BODY, ESTABLISHING SPECIAL EVENT NON-REVERTING AND PETTY CASH FUNDS AND REPEALING CONFLICTING ORDINANCES

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, The Special Events Advisory Commission was established by the Town Council as a successor to the Park Advisory Council of Community Events which had its genesis in several antecedent advisory bodies to the Town Council which were originally formed to celebrate or commemorate certain significant events in the life of the community or the nation;

WHEREAS, The Town Council as the governing body for the municipality, may establish, aid, maintain, and operate recreation facilities, cultural, historical programs, pursuant to its general culture and recreation powers conferred in IC 36-10-2; and

WHEREAS, The Town Council now desires to modify the structure and expand the membership of the existing Special Events Advisory Commission in order to further perfect its ability to plan, coordinate, implement and conduct special events;

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq. and IC 36-10-2 et sequitur;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA as follows:

Section 1. That Chapter 32 of the Highland Code of Ordinances is hereby amended by repealing the subchapter styled as the *Special Event Advisory Committee*, comprised of Sections 32.40 through 32.45 and replacing it with a new subchapter to be styled as the **Special Events Advisory Commission**, comprised of Sections §32.40 through § 32.45 which shall read as follows:

SPECIAL EVENTS ADVISORY COMMISSION

§32.40 ESTABLISHMENT

- (A) A Special Event Advisory Commission is established to advise and assist with the planning and execution of special events within the Town of Highland. All corporate powers of the Town of Highland are vested in the Town Council. No individual member of the Commission or collective action of the Commission may direct action to be taken by the Town Council, any employee or contractor of the Town.
- (B) The Commission shall consist of ~~seven~~ **eleven** voting members, ~~with seven members~~ appointed to staggered terms of office ~~and four members appointed to concurrent annual terms of office~~. One member shall serve an initial term expiring on ~~December 31, 2007~~ **the first day of January 2008**; three members shall serve an initial term expiring on ~~December 31, 2009~~ **the first day of January 2010**; and three members shall serve an initial term expiring on ~~December 31, 2010~~ **the first day of January 2011**. **Thereafter, each member serving a staggered term may be appointed to a term of four years. Each member of the annual concurrent appointments, may be reappointed to a term of one 1 year.** The municipal executive shall make the initial one-year appointment; one of the initial two-year appointments and one of the initial three-year appointments. The legislative body shall make two of the initial two-year appointments and two of the initial three-year appointments. **Finally, the legislative body shall also make the annual one-year term appointments.**
- (C) All members of the Commission shall serve until their successors have been appointed and confirmed, **subject to the limitation set forth in IC 36-1-8-10(c).**
- (D) Members of the Commission serve at the pleasure of the appointing authority. New members will be appointed to fulfill the unexpired term of a member whose seat becomes vacant for any reason during his or her term. **Successive appointments shall be made by the proper appointing authority making the initial appointments as described in § 32.40 (B).**

~~the manner prescribed by paragraph (B) of this section; i.e.; the municipal executive appoints succeeding members for appointments initially made by the executive; the legislative body appoints succeeding members for appointments initially made by the legislative body.~~
- (E) ~~The Town Manager and~~ The senior management staff person from each Department of the Town shall serve as ex-officio, non-voting members of the Commission.
- (F) No person shall be appointed as voting member of the Commission who has not attained the age of 18 years, who is not a resident of Highland or who holds any other town office by appointment or election.
- (G) The members of the Commission serve without compensation. Members of the Commission shall not accept gifts, gratuities or other consideration from contracted vendors or vendors under consideration for use at a special event.

- (H) A faithful performance or surety bond as prescribed by IC 5-4-1 et sequitur in the amount of ten thousand dollars (\$10,000) shall be obtained for the Commission to cover the faithful performance of the duties of the officers and members of the Commission, including the duty to comply with IC 35-44-1-2 and the duty to account properly for all monies and property received in consequence of the duties and activities set forth in this subchapter.
- (I) The clerk-treasurer shall serve as the purchasing agent for the activities of the Commission, pursuant to Section § 31.19 (D)(10) of the Municipal Code and IC 5-22 et seq.

§32.41 ORGANIZATION AND STRUCTURE

At its first organizational meeting and at the first meeting of each calendar year thereafter, the Commission shall select from its members a Chair and a Vice Chair. The Chair and the Vice Chair shall hold such respective positions while a member of the Commission for the calendar year in which they are appointed, and until their respective successors are duly selected and qualified.

- (A) At its first regular meeting each year, the Commission shall elect from its members a chairperson, 1st vice chairperson, a 2nd vice person who shall also act as financial secretary and a secretary.
- (B) The 1st vice chairperson shall act as chairperson during the absence or disability of the chairperson. In absence or disability of the chairperson and the 1st vice chairperson, the 2nd vice-chairperson shall act as chairperson. **In the event that the chairperson, the 1st vice-chairperson and the 2nd vice chairperson are absent, the secretary will preside over the remainder of the body constituting a quorum which then shall appoint a chair person *Pro Tempore*, who shall perform the duties of the chairperson for that meeting.**
- (C) *Subject to the provisions of this subchapter, the chairperson, or in his or her absence, the Vice Chair shall preside over the meetings of the Commission and shall exercise and perform such duties as are assigned to him or her by this section, as well as perform the duties customary to the office as set forth in the parliamentary authority.*
- (D) **The Clerk-Treasurer shall serve as Treasurer of the Commission, pursuant to IC 5-13-5-2. The 2nd Vice Chairperson shall also serve as financial secretary. The financial secretary shall collect all valid invoices for goods or services obtained in carrying out the lawful purposes of the Commission. The financial secretary shall be responsible for the receipt of applications and associated fees and charges and properly cause them to be deposited with the Clerk-Treasurer according to the provisions of Section § 32.48. The financial secretary shall prepare and sign accounts payable vouchers to be filed for allowance by the Town Council all according to IC 5-11-9, IC 5-11-10 and IC 36-5-4 et sequitur.**
- (G) ~~The Town Manager or his designee shall be Secretary of the Commission.~~ The Secretary shall be responsible for preparing the agenda for Commission meetings in consultation with the Chair and providing public notice of the meetings of the Commission. The Secretary shall take roll at the meetings of the Commission and shall cause minutes to be kept, showing the vote of the Commission members on each question and on the other official actions of the Commission, **all pursuant to IC 5-14-1.5.** The Secretary shall maintain copies of communications and reports considered by the Commission. **In addition, the Secretary perform the duties customary to the office as set forth in the parliamentary authority.**
- (H) The Commission is a public body and shall comply with the Indiana Open Meetings Act by providing public notice of its meetings consistent with the Open Meetings Act, **pursuant to IC 5-14-1.5.** Its records shall be considered public records, governed by IC 5-14-3 et seq.
- (I) ~~The Committee shall be governed by parliamentary authority for the Commission is Roberts Rules of Order, newly revised.~~ The Commission may take no action on any agenda item unless a quorum of the Commission is present. A quorum shall be ~~four~~ six members of the Commission.
- (J) At its first organizational meeting and at the first meeting of each calendar year thereafter, the Commission shall establish dates and times for its regularly scheduled meetings. In formulating its meeting schedule, the Commission shall attempt to avoid conflict with members' work and vacation schedules. Meetings shall generally be held once per month, unless there is no business to be considered by the Commission. **Meeting dates once established shall be filed with the Clerk-Treasurer. The Town Manager may call special meetings with the concurrence of the Chair.**

§32.42 PURPOSES

- (A) The Special Event Advisory Commission is established to advise and assist with the planning and execution of special events within the Town of Highland. Approval of a permit by the Commission is necessary to sponsor a special event to assure compliance with policies, rules and regulations, requirements of state law and local ordinances.
- (B) The purposes of the Commission are:
 - (1) To coordinate the annual celebration of the 4th of July festivities (Independence Day) including, but not limited to: a festival, parade and fireworks;
 - (2) To coordinate a Christmas Parade;

- (3) To coordinate Memorial Day and Veteran's Day ceremonies;
- (4) To initiate plans for the Town of Highland's Centennial Event in 2010;
- (5) To assist with other special events the Commission determines will promote good will in the Town of Highland, including, but not limited to an annual 18th Century Historical Reenactment, Seasonal Festivals, Beer Gardens, Block Parties, Parades, Arts & Craft Shows and Itinerant Restaurants;
- (6) To appoint standing and/or ad hoc committees to sponsor and produce specific special events; and
- (7) To formulate ordinances for consideration by the Town Council establishing standard operating policies, rules and regulations applicable to Special Events and permits therefore, as the Commission may deem necessary to conduct its affairs.

§32.43 ANNUAL REPORT

The Special Event Advisory Commission shall prepare and submit an annual report concerning special events to the Town Council and **Clerk-Treasurer** in December of each year.

§ 32.44 SPECIAL EVENTS NON-REVERTING OPERATING FUND

(A) There is hereby authorized, created and established a special non-reverting operating fund, to be called the **Special Events** Non-reverting Operating Fund for use by the Town on the in support of the purposes of this subchapter.

(B) That the fund is dedicated and established to provide operating resources for parks and recreation programs, operations and special events undertaken by the Town under advice of its special events advisory Commission, pursuant to the authority of IC 36-10-2, and IC 36-1-3 et seq.

(C) That expenditures from this fund shall be governed by the following provisions:

(1) That expenditures from this fund shall for the purposes and in support of the purposes set forth in this subchapter of the municipal code and according to the laws and relevant guidelines governing the disposition of the assets, which comprise the fund, provided the expenditures shall be only operating in nature;

(2) That neither the establishment nor the purposes of this fund shall be in derogation of the lawful purposes or construed to exclude the lawful purpose or expenditure from such other funds of the municipality for the same or similar purposes;

(3) That expenditures from the Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the Town Council, all pursuant to IC 5-11-10, IC 36-5-4 and IC 36-5 et seq.;

(D) That the sources of money for the fund are the following:

(1) Gifts, and donations from any person given expressly for the purposes and objects of the fund, unless otherwise directed by action of the Town Council;

(2) User fees and other charges authorized and fixed by the Town Council in connection with special community events, upon the advise of the Special Event Advisory Council;

(3) That pursuant to Indiana Code Title 5, Article 13, Chapter 9, and this code, moneys in the fund may be invested provided that the yields from the purchase and sale of any such investments be deposited with the fund;

(E) That the appropriations and the cash on deposit to the credit of the fund, shall not revert to any other fund but remain with the Special Events non-reverting operating fund at year end and until such time as an ordinance is passed dealing with the disposition of the assets of this fund;

(F) That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the funds herein named and to carry-out the provisions of this chapter;

(G) That the Non-Reverting Special Event Fund may be liquidated by an ordinance approved by the Town Council. Should there be any funds left on deposit in said fund, such funds shall revert to the General Fund of the Town unless otherwise provided by ordinance of the Town Council.

§32.45 BUDGET AND DISPOSITION OF FUNDS

(A) The ~~town manager~~ the officers of the **Special Events Advisory Commission** will submit an annual budget for the expenditure of special event revenue to the ~~Special Event Advisory Committee~~ **Special Events Advisory**

Commission for review by July 30th of each calendar year. A budget recommended by the Commission shall be submitted to Town Clerk-Treasurer to meet the publication timetable of IC 6-1.1-17 et seq. and then to the Town Council by August 15th the first Friday of August of each calendar year. By September 30th of each calendar year the Town Council will approve an annual budget for the expenditure of special event revenues for the succeeding calendar and fiscal year.

(B) The ~~town manager~~ clerk-treasurer shall be the approving authority for the expenditure of special event revenues less than \$10,000; expenditures greater than \$10,000 require prior approval of the Town Council.

Section 2 That Chapter 32 of the Highland Code of Ordinances is hereby amended by repealing the existing subchapter styled as *Special Event Fees and Charges*, comprised of Sections § 32.46 through § 32.48, and substituting a new subchapter styled as *Special Event Fees and Charges*, comprised of Sections § 32.46 through § 32.48, which shall read as follows:

SPECIAL EVENT FEES and CHARGES

§32.46 ESTABLISHMENT

- (A) In order to provide ways and means to carry out and support the scheduling and execution of special events in the Town, a schedule of fees and charges is hereby authorized and established to be paid by certain food and craft vendors who are participants in special events that are conducted by the Town of Highland for which the Special Events Advisory Committee has offered support and advice, and that are not otherwise under the direction of the Highland Parks and Recreation Department.
- (B) These fees and charges are in effect for special events at which the identified type of vendor or exhibitor participates as an amenity or attraction associated with a special event that is sponsored by the Town of Highland for which the Special Events Advisory Committee has offered support and advice.
- (C) Special Events for which these fees and charges apply may be effective for special events that may be conducted from time to time on property of the Parks and Recreation Department, provided the Park and Recreation Board has authorized the use of its property for that purpose.

§32.47 SPECIAL EVENT FEES AND CHARGES

- (A) *The following fees and charges are hereby established for vendors displaying for sale or exhibit various wares of arts and crafts as part of a special event for which the Special Events Advisory Committee has offered support and advice:*

Area used for Exhibit	User Fee
10'x10'	\$300.00
10'x20'	\$450.00
10'x30'	\$600.00

- (B) *The following fees and charges are hereby established for vendors offering food and beverages for sale as part of a special event for which the Special Events Advisory Committee has offered support and advice:*

Space, Area and Electrical Needs used for Exhibit	User Fee
Single Space 10'x10' with 2 outlets 20 amps	\$300.00
Double Space 20'x20' with 4 outlets 40 amps	\$550.00
Trailer One line 220 volt/40 amps	\$550.00

- (C) Vendors identified in this subchapter are **exempt** from the requirements of Chapter 114 of the Municipal Code regulating peddlers and solicitors.

§32.48 CASH BOOK DUTIES; DEPOSITS of FEES

- (A) Money procured from fees and charges identified in this subchapter shall be deposited at least **weekly, and more frequently when possible**, with the Clerk-Treasurer.
- (B) The Clerk-Treasurer shall deposit the fees and receipt to the credit of the Special Events Non-Reverting Operating Fund as described in Section §32.44 of the municipal code.

- (C) The Clerk-Treasurer shall keep such accounts and perform such other tasks and duties as outlined under IC 5-13-5 and IC 36-5-6.

Section 3. Chapter 31 of the Highland Code of Ordinances is hereby amended by adding a new Section §31.05 as follows:

§31.05 SPECIAL EVENT PETTY CASH FUND

- (A) There is hereby authorized, created and established a petty cash fund to be known as the Special Event Petty Cash Fund, pursuant to the provisions of I.C. 36-1-8 et seq.
- (A) The ~~Town Manager~~ **Clerk-Treasurer** is permitted to establish a petty change fund in support of this section:
- (1) The Special Event Petty Cash Fund shall be established by a warrant not to exceed \$500 drawn from the proper appropriated or non-appropriated balance of the Non-Reverting Special Event Fund in favor of the ~~Town Manager~~ **Clerk-Treasurer**, who is the custodian of the fund;
- (1) The establishing warrant and such successive warrants as shall be necessary to re-supply the fund shall be drawn in favor of the ~~Town Manager~~ **Clerk-Treasurer**, who shall convert the warrant to cash;
- (1) The custodian of the petty cash fund shall use it to pay small emergency or exigent items of operating expense, in order to support the duties and to carry out special event purposes;
- (1) A receipt shall be taken for each expenditure made from the fund;
- (1) The ~~Town Manager~~ **Financial Secretary of the Special Events Advisory Commission** shall periodically file a voucher, with all original receipts totaling the cash claimed expended being attached to it, so that the fund can be reimbursed for expenditures from it;
- (1) Reimbursement must be approved and allowed at any regular or special meeting of the Town Council, and made in the same manner as is required for other expenditures of the Town;
- (1) The custodian of the fund shall account for it in the same manner as is required of other funds of the Town.
- (A) The entire petty cash fund authorized and established pursuant to this section shall be returned to the Non-Reverting Special Event Fund whenever there is a change in the custodian of the fund.
- (A) The entire petty cash fund authorized and established pursuant to this section shall be returned to the Non-Reverting Special Event Fund or, in the absence of this fund, the Corporate General Fund of the municipality, whenever the purposes of the fund have substantially changed or the fund is no longer needed.

Section 4. (A) Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force or effect. Further, any appointments made under the provisions of the former ordinance remain in effect according to the successor provisions.

(B) The legislative appointments made by the Town Council at its meeting of March 24, 2008 in anticipation of the provisions of this ordinance are hereby ratified and confirmed.

(C) The Clerk-Treasurer shall be authorized and tasked to account for the persons and the terms of the current Special Events Advisory body aligning them with the successive provisions for appointments set forth in this ordinance. The records and determinations of the Clerk-Treasurer regarding the alignment of terms shall be dispositive.

Section 5. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 25th Day of February 2008. Consideration on same day or at same meeting of introduction was not considered, all pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 14th Day of April 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2008-11:** An Order of the Works Board Authorizing and approving an agreement with Midwestern Electric to perform Traffic Light Maintenance for 2008. Councilor Vassar moved the passage and adoption of Works Board Order No. 2008-11. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD 2008-11

An Order of the Works Board Authorizing Midwestern Electric, Incorporated to Perform the Traffic Signal Annual Inspection and Maintenance for 2008

Whereas, The Town of Highland, Department of Public Works, as part of its public duties, has responsibility for the operation and maintenance of traffic signals in the Town of Highland; and

Whereas, Routine annual traffic signal inspections and maintenance is necessary to assure that traffic signals and associated equipment is good working condition for the public's safety and welfare; and

Whereas, Midwestern Electric, Incorporated has provided a proposal to perform the work, attached hereto, at a cost of \$590.37 per intersection and the work includes Conflict Monitor Check, Controller Cabinet and Intersection Inspection, and Annual Re-lamp and Overhead Inspection (w/o Pedestrian Signals); and

Whereas, the Public Works Director, pursuant to §31.19(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

Whereas, the Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, the purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and

Whereas, the purchase will be supported by the Motor Vehicle Highway fund and there is sufficient appropriation in order to support the work; and

Whereas, the Town Council now desires to authorize the Public Works Director to complete the work pursuant to the terms stated herein.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1 That the proposal for Midwestern Electric, Incorporated, attached hereto and made a part of this Resolution, is approved pursuant to the terms contained therein;

Section 2. That the Board of Works for the Town of Highland believes that Midwestern Electric, Incorporated has demonstrated professional competence and qualifications to perform the particular professional services called for in the proposal and associated project;

Section 3. That the Public Works Director is hereby authorized to issue a purchase order to Midwestern Electric, Incorporated and to execute all documents necessary to implement the work;

Section 4. That the Municipal Fiscal Officer is hereby authorized to expend Motor Vehicle Highway Funds in order to support and implement the work.

DULY, PASSED AND ADOPTED by the Board of Works of the Town of Highland, Lake County, Indiana this 14th day of April 2008 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. Consideration and Action on Group Dental Plan:

(a) Renewing with Guardian Dental Plan, fixing rates for an increase of 5%. all to be effective June 1, 2008 (actually these were effective March 1). Retain as well the Commonwealth DMO, current rates are employee only \$19.25 monthly; employee + dependent \$37.41mo.;and family \$49.34 mo.

(b) The proposed plan from United Health Care, fixing rates at a two year guarantee, with rates less than one percent lower than the pre- March 1 Guardian Rates, eliminating the DMO option, which is only exercised by six workers, to be effective June 1, 2008.

	Guardian	United Health Care
employee only:	\$29.96	\$28.37
employee + dep:	\$86.96	\$82.61

Tom Brown of Koester and Brown was present and recognized to make a brief presentation regarding the two plans. Mr. Brown noted that the Guardian and United Heath Care Plans were identical in each respect. Mr. Brown further indicated that lower cost premium offered by United Health Care would be locked in for two years, regardless of whether or not the Town renewed with United Health Care as the medical group insurance plan. It was further noted that any payments toward deductible prior to this change over would be honored. It was noted that the only consideration was an economic one: A single year renewal with Guardian for a 5% increase or a two year rate lock, with United Health Care, at a rate *decrease* of less than 1%.

Councilor Kuiper moved to renew with Guardian Dental Plan, at the Five percent increase in premium, that the First Commonwealth DMO plan be dropped, and that the six workers in the DMO plan be moved into the single group dental plan. Councilor Vassar seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Kuiper, Vassar and Zemen voting in the affirmative, and Councilors Herak and Novak in the negative, the motion passed. The Guardian plan was renewed at an increase of five percent.

- 4. Proposed Ordinance No. 1388.1375-E:** An Ordinance to Amend the Wage and Salary Ordinance for 2008 for the FIRE DEPARTMENT. Councilor Herak introduced and moved the consideration of Ordination No. 1388.1375-E at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Herak moved the adoption of Ordination No. 1388.1375-E at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a 2/3rd vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1388.1375-E
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND THE ORDINANCE FIXING THE WAGE and SALARY RATES of the EMPLOYEES of the TOWN of HIGHLAND, INDIANA for 2008 IN THE FIRE DEPARTMENT.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide

reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

Provision One: That subdivision (a) of Section 12 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new subdivision which shall be identified as subdivision (a) of Section 12 which shall read as follows:

Section 12. That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Fire Department** as follows:

(a) Supervisory Staff or Specialty Employees

		Starting Rate	Incumbent Rate
Fire Chief/Inspector	(1)		\$2,126.75 bi-weekly
Assistant Chief for Logistics	(1)		\$ 1,500 per year (\$ 375 per quarter)
Assistant Chief for Safety	(1)		\$ 1,500.00 per year (\$ 375 per quarter)
Assistant Chief for Planning	(1)		\$ 1,200.00 per year (\$ 300 per quarter)
Assistant Chief for Operations	(3)		\$ 1,200.00 per year (\$ 300 per quarter)
Station Captains	(2)		\$ 500.00 per year (\$125 per quarter)
Lieutenants	(4)		\$ 350.00 per year (\$87.50 per quarter)
Mechanics	(1)		\$ 500.00 per year (\$125 per quarter)

(b) Except as otherwise provided for the Fire Chief, the compensation for the positions listed above shall be considered in addition to any and all such compensation earned as a firefighter. However, full-time Town employees who are also members of the Highland Fire Department shall not be entitled to additional compensation when responding to fire or ambulance calls while on duty at their regular full-time position.

(c) The Fire Chief shall not be entitled to additional compensation apart from his bi-weekly salary when responding to fire or ambulance calls nor for any training nor inspection participation.

Secretary (part-time)	\$5.25 –12.50 per hr.
Custodian (part-time)	\$5.25 –12.00 per hr.

Effective July 15, 2007:

Secretary (part-time)	\$5.85 –12.50 per hr.
Custodian (part-time)	\$5.85 –12.00 per hr.

Effective July 13, 2008:

- | | |
|---------------------------------|-----------------------|
| Secretary (part-time) | \$6.55 –12.50 per hr. |
| Custodian (part-time) | \$6.55 –12.00 per hr. |
| <i>Effective July 12, 2009:</i> | |
| Secretary (part-time) | \$7.25 –12.50 per hr. |
| Custodian (part-time) | \$7.25 –12.00 per hr. |
- (d) Fire Fighters compensation shall be as follows:
- | | |
|---|-------------|
| Fire Calls | \$12.25 hr. |
| (per hour or fraction thereof) (see § 50.05) | |
| Training | \$12.25 hr. |
| (per hour or fraction thereof) (see § 50.05) | |
| Special Preparedness duties/ details | \$12.25 hr. |
| (per hour or fraction thereof) (see § 50.05) | |
| Special Maintenance (non-custodial) duties/ details | \$12.25 hr. |
| (per hour or fraction thereof) (see § 50.05) | |
| Inspection | \$ 9.00 hr. |
| (per hour or fraction thereof) (see § 50.05) | |
- (e) Firefighters and EMT compensation shall be paid quarterly.
- (f) For the following calls, responses or participation by the fire fighters, a stipend in lieu of direct compensation, shall be paid to the Highland Volunteer Fire Fighter Association, to be made as follows:
- | | |
|-------------------------------------|---|
| Still Alarms: | \$50.00 per call |
| Monthly General Membership Meeting: | \$1.00 per member in attendance as
certified by the Fire Chief or his/her
designee. |

Provision Two: (A) That an emergency exists for the immediate taking affect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance and the date of its passage and adoption;

Introduced and Filed on the 14th day of April 2008. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 14th Day of April 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Attest:

Bernie Zemen, President (IC 36-5-2-10)

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Proposed Ordinance No. 1389:** An Ordinance to Amend the Chapter 50 of the Highland Municipal Code, entitled *Fire Department*, making modifications and technical corrections. Councilor Herak introduced and filed. There was no further action.
6. **Proposed Ordinance No. 1390.1375-F:** An Ordinance to Amend the Wage and Salary Ordinance for 2008 for the PUBLIC WORKS DEPARTMENT. Councilor Novak introduced and moved the consideration of Ordination No. 1390.1375-F at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Kuiper moved the adoption of Ordination No. 1390.1375-F at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a 2/3rd vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE No. 1390.1375-F
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND THE ORDINANCE FIXING THE WAGE and SALARY RATES of the EMPLOYEES of the TOWN of HIGHLAND, INDIANA for 2008, in the PUBLIC WORKS DEPARTMENT.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

Provision One: That subdivision (b) of Section 9 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new subdivision which shall be identified as subdivision (b) of Section 9 which shall read as follows:

Section 9. That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Public Works Department** as follows:

(b) Associate Staff and Employees		Starting Rate	Incumbent Rate
Public Works Secretary	(1)	\$14.78	\$17.80 per hr.
Dispatch Clerk	(1)	\$13.20	\$13.20 per hr.
Senior Mechanic	(1)	\$18.30	\$18.30 per hr.
Senior Utility Technician	(1)	\$18.25**	\$18.25** per hr.
Utility Technician	(2)	\$14.86	\$14.86 per hr.
This base rate shall be modified as follows:			
w/ Commercial Drivers License add		\$ 0.50	\$ 0.50 per hr.
w/DSL Operators' License add		\$ 1.01	\$ 1.01 per hr.
Utility Worker /Equipment Operator	(2)	\$18.25**	\$18.25 per hr.
Utility Worker /Equipment Operator	(2)	\$18.25 **	\$19.25 per hr.
Pump Station Operator	(2)	\$15.70	\$15.70 per hr.
This base rate shall be modified as follows:			
w/ Commercial Drivers License add		\$00.50	\$00.50 per hr.
w/DSL Operators' License add		\$ 1.01	\$ 1.01 per hr.
w/ CT Operators' License add		\$00.25	\$00.25 per hr.
w/ Backflow prevention license		\$00.25	\$00.25 per hr.

Street Sweeper Operator	(1)	\$16.38	\$17.51 per hr.
Utility Worker/Driver A	(3)	\$17.72	\$17.72 per hr.
Utility Worker/Driver B	(3)	\$15.19	\$15.19 per hr.
Utility Worker/Driver C	(3)	\$12.84	\$12.84 per hr.
Mechanic	(1)***	\$16.63	\$16.63 per hr.
Mechanic	(2)	\$16.63	\$16.63-\$17.89 per hr.

Utility Worker/Driver/ Street sweeper Operator (part-time)		\$12.84	\$12.84 per hr.
--	--	---------	-----------------

*** Once a worker is assigned the **Senior Mechanic's** position, the authorization for this position is reduced to zero (0).

Sign & Traffic Control Technician	(1)	\$15.36	\$15.36 per hr.
w/ Commercial Drivers License add		\$ 0.50	\$ 0.50 per hr.
w/MUTCD* Certification add		\$ 1.01	\$ 1.01 per hr.

*Satisfactory completion of training course on the Manual of Uniform Traffic Control Devices as provided by the American Public Works Association (APWA), Local Technical Assistance Program (LTAP), the American Traffic Safety Services Association (ATSSA) or the International Municipal Sign Association (ISMA).

Utility Worker A	(2)	\$13.41	\$13.41-\$14.61 per hr.
Utility Worker B	(4)	\$10.36	\$10.36-\$12.78 per hr.
Custodian	(1)	\$12.42	\$12.42 per hr.
Attendant Town Garage	(1)	\$11.55	\$12.08 per hr.

Secretary (part-time)	\$ 5.85-\$12.50 per hr.
Laborer (<i>not truck driver</i>)(part-time)	\$ 7.00-\$ 11.64 per hr.
Master Gardener/Streetscaping (part-time)	\$12.00 - \$ 14.00 per hr.

Effective July 13, 2008:

Secretary (part-time)	\$ 6.55-\$12.50 per hr.
Laborer (<i>not truck driver</i>)(part-time)	\$ 7.00-\$ 11.64 per hr.

Effective July 12, 2009:

Secretary (part-time)	\$ 7.25-\$12.50 per hr.
Laborer (<i>not truck driver</i>)(part-time)	\$ 7.25-\$ 11.64 per hr.

Provision Two: (A) That an emergency exists for the immediate taking affect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance and the date of its passage and adoption;

Introduced and Filed on the 14th day of April 2008. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 14th Day of April 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

7. Resolution No. 2008-10: A Resolution Authorizing a six-month extension of an Inter-fund Loan, already approved for the Park and Recreation Fund, pursuant to IC 36-1-8-4(b). Councilor Vassar moved the passage and adoption of Resolution No. 2008-10. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
RESOLUTION NO. 2008-10

A RESOLUTION DETERMINING AN EMERGENCY AND AUTHORIZING AN EXTENSION FOR A TEMPORARY INTERFUND
LOAN or TRANSFER PURSUANT to IC 36-1-8-4, PREVIOUSLY AUTHORIZED

Whereas, The Clerk-Treasurer previously advised the Town Council that the cash balance in the **Park and Recreation Fund**, was not sufficient to meet regular operating expenses of the funds prior to the receipt of the semi-annual distribution of ad-valorem revenues so it was necessary to temporarily borrow money to enhance the fund for which the Town Council adopted **Resolution No. 2006-117** on December 27, 2006;

Whereas, The Clerk-Treasurer has advised that the determination by the County Treasurer to issue no tax bills in FY 2007 and a review of revenue forecasts for all funds, there will be insufficient funds on deposit to the credit of the **Park and Recreation Fund** by December 31, 2007 to repay the temporary loan made from the **Health (Self) Insurance Fund**;

Whereas, The Clerk-Treasurer has further advised that it shall be necessary to declare an emergency and extend these loan repayments from December 31, 2007 to June 30, 2008, pursuant to the provisions of IC 36-1-8-4(b); and

Whereas, The Town Council desires to act according to the advice of the Clerk-Treasurer and declare an emergency and extend this loan repayment from December 31, 2007 to June 30, 2008, pursuant to the provisions of IC 36-1-8-4(b);

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That owing to the Lake County Treasurer's determination to issue no tax bills in FY 2007, and a review of revenue forecasts for all funds, the Town Council finds and determines that circumstances exist related to the temporary loan in the **Park and Recreation Fund** such that an emergency is declared, according to terms of IC 36-1-8-4(b)(1) and IC 36-1-2-4.5;

Section 2. That the amount of \$80,000.00 already borrowed for the **Park and Recreation Fund** with the amount of \$80,000.00 loaned by the Health (Self) Insurance Fund, is re-authorized and extended;

Section 3. That said loan repayment be extended for up to six months from the end of FY 2007 and that repayment be made to the **Health (Self) Insurance Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the borrowing funds herein named, with such loans to be **repaid no later than** June 30, 2008, subject to IC 36-1-8-4(b).

Section 4. That actions related to the making and extension of a temporary interfund loan for this fund, pursuant to IC 36-1-8-4(b), be further affirmed, ratified and authorized, pursuant to IC 36-1-4-16.

Section 5. That the proper officer be further instructed to Immediately forward an original executed version of this resolution to the **State Board of Accounts** and the **Department of Local Government Finance**, and make such changes to the affected budget documents already filed for FY 2008, if necessary, all pursuant to IC 36-1-8-4(b)(2).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 14th day of April 2008. Having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Resolution No. 2008-11:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Motor Vehicle Highway (MVH) Fund as Requested by the Department Head (s) or Proper Officer (s) and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. Councilor Novak moved the passage and adoption of Resolution No. 2008-11. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

Resolution No. 2008-11

An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Motor Vehicle Highway (MVH) Fund as Requested by the Department Head (s) or Proper Officer (s) and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Motor Vehicle Highway (MVH) Fund**;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations in the **Motor Vehicle Highway (MVH) Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the **2008** budget, and may be transferred as follows:

MOTOR VEHICLE HIGHWAY (MVH) FUND

<u>Decrease:</u> Acct. 111.31 Labors' wages.	<u>\$ 23,000.00</u>
<i>Total 100 Series Reductions</i>	<i>\$ 23,000.00</i>

<u>Increase:</u> Acct. 230.05 Road Salt Supply	<u>\$ 23,000.00</u>
<i>Total 200 Series Increases</i>	<i>\$ 23,000.00</i>

Total of All Fund Decreases:	\$ 23,000.00
Total of All Fund Increases:	\$ 23,000.00

DULY RESOLVED and ADOPTED this 14th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 9. Resolution No. 2008-14:** A Resolution Fixing Monday April 26, 2008 as the Date for a Public Hearing Regarding An Application for Property tax Abatement related to proposed construction of an addition to the structure located at 2609 - 45th Avenue, Highland, Indiana. Councilor Herak moved the passage and adoption of Resolution No. 2008-11. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2008-14**

A RESOLUTION FIXING MONDAY, APRIL 28, 2008 AS THE DATE FOR A PUBLIC HEARING ON AN APPLICATION FOR PROPERTY TAX ABATEMENT RELATED TO PROPOSED CONSTRUCTION OF A BUILDING ADDITION AND FAÇADE IMPROVEMENTS AT 2609 FORTY FIFTH STREET

WHEREAS, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, Property tax abatement, if approved, is applied as a deduction in the increase in assessed value that results from investment in new construction or rehabilitation of property; and

WHEREAS, On April 14, 2008, the Highland Town Council adopted Resolution No. 2008-09 designating an Economic Development Revitalization Area at 2609 Forty Fifth Street; and

WHEREAS, An application for property tax abatement for construction of a new building addition and façade improvement (the "Project") to be located on premises legally described as Lots #5 and #6 of the St. James Fifth Addition in the Town of Highland, Lake County, Indiana a/k/a 2609 Forty Fifth Street (the "Real Estate") has been received from Mr. Scott Bell and Mr. David Bell d/b/a Bell Parts Supply, LLC, a copy of which is attached and incorporated herein by reference (see Exhibit A); and

WHEREAS, Said application proposes construction of a new \$475,000.00 building addition and façade improvement that would bring three to five jobs to Highland with an estimated \$761,000 annual payroll that may not proceed but for approval of tax abatement by the Town Council; and

WHEREAS, \$747,200 is the most recent assessed value of the property that is the subject of this resolution, and

WHEREAS, \$1 million is the estimated assessed value of the property upon completion of the Project; and

WHEREAS, The Real Estate is located within an Economic Revitalization Area within the Town of Highland; and

WHEREAS, At a meeting held _____, 2008, the Highland Redevelopment Commission found the proposed development to be consistent with its development objectives and design standards and recommended an abatement period of _____ years; and

WHEREAS, The Act empowers the Town Council to approve a deduction as percentage of the increase in assessed value that results from investments in new construction or rehabilitation of property by following a procedure hearing and confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. The Highland Town Council will consider an application for property tax abatement for construction of a new building addition and façade improvement on the Real Estate which is the subject of this resolution after a public hearing and upon adoption of a Final Resolution confirming this Preliminary Resolution.

Section 2. The Final Resolution shall limit the amount of deduction applicable for redevelopment of said Real Estate for a period of time not to exceed **ten** calendar years to \$475,000 cost with a total assessed value of \$1 million.

Section 3. Pursuant to enabling authority provided at IC 6-1.1-12.1-2(h)(6), as a condition of approval for the deduction in assessed value, the applicant shall contribute \$4,750 to the Town of Highland at closing from loans proceeds secured for construction of the Project.

Section 4. The Town Council hereby fixes 7:00 PM, Monday, April 28, 2008 in the plenary Council Chambers, Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving testimony, remonstrances and objections from persons interested in or affected by the proposed property tax abatement and directs the publication of notice of said hearing in accordance with the requirements of applicable law. After the public hearing, the Town Council will consider a Final Resolution that would grant tax abatement consistent with conditions described in this Preliminary Resolution.

DULY RESOLVED and ADOPTED this 14th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

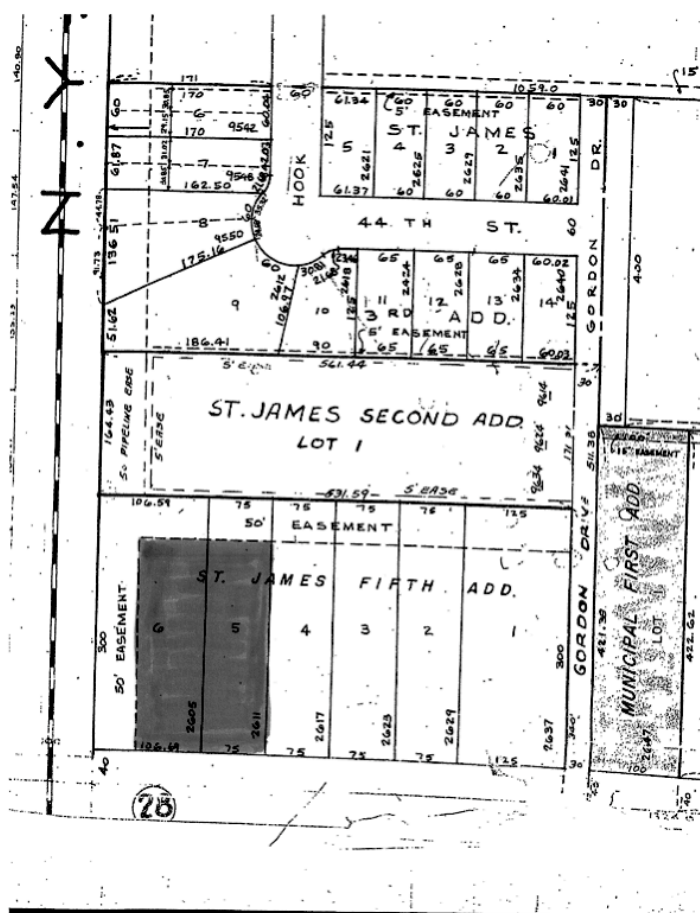
Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT

Legal Description of 2609 Forty-Fifth Street

Lots #5 and #6 of the St. James Fifth Addition in the Town of Highland, Indiana



10. **Proposed Ordinance No. 1391:** An Ordinance Proposing the designation of an Economic Development Target Area to be coterminous with the boundaries of the Economic Revitalization Area just designated for 2609 45th Avenue to Enable Property Tax Abatement for Retail Uses. *Councilor Herak introduced and filed Ordinance No. 1391. There was no further action.*
11. **Proposed Ordinance No. 1392:** An Ordinance to Amend the Highland Municipal Code and Establishing a *Capital Projects Retainage Agency Fund*, pursuant to IC 36-1-3 and IC 36-1-12. Councilor Novak introduced and moved the consideration of Ordination No. 1392 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Vassar moved the adoption of Ordination No. 1392 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a 2/3rd vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE No. 1392
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE ESTABLISHING AN AGENCY/ESCROW FUND TO BE KNOWN AS THE CAPITAL PROJECTS RETAINAGE AGENCY FUND, ALL PURSUANT TO I.C. 36-1-3 AND I.C. 36-1-12 ET SEQUITUR.

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body;

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, I.C. 36-1-12 et seq., provides guidance regarding the management of payments made to contractors in consequence of performance associated with a public works project;

WHEREAS, I.C. 36-1-12-14 provides particular guidance regarding the collection and disposition of moneys collected as "retainage" and agreements in which these moneys are "escrowed" until satisfaction of a particular public works contract and project;

WHEREAS, The Clerk-Treasurer has advised the Town Council that creation of a special agency fund would enhance and advance proper public accounting, stewardship and administration of these provisions of law;

WHEREAS, The Town Council has determined that it would be desirable to establish a *Capital Projects Retainage Agency Fund* and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-12 and related laws regarding capital works projects;

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality;

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town; and

WHEREAS, The Town of Highland, through its Town Council now desires to properly constitute the appropriate fund or funds in support of enhancing and advancing proper public accounting, stewardship and administration of these provisions of law,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Highland Municipal Code is hereby amended by adding a new Section to be numbered § 31.01.01 and to be entitled: *Capital Projects Retainage Agency Fund*, which shall read as follows:

§ 31.01.01 *CAPITAL PROJECTS RETAINAGE AGENCY FUND*

(A) That there is hereby established a Fiduciary Agency fund to be known as the **Capital Projects Retainage Agency Fund**;

(B) That the fund is a fiduciary or agency fund established to account for *retainage* collected in consequence of a public works or capital improvement project.

(1) Retainage is the amount withheld from a payment to the contractor or subcontractor until the occurrence of specified event, as defined in I.C. 36-1-12-1.2 (10) and collected pursuant to I.C. 36-1-12-14, pursuant to the laws of the State of Indiana;

(2) A public works or capital improvement project shall include the construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by a political subdivision under a lease containing an option to purchase, all pursuant to IC 36-1-12-2. Further, it should include capital improvement projects undertaken by municipal departments and political subdivisions, pursuant to IC 8-1.5-4, IC 36-7-12, IC 36-7-14, IC 36-7-14.5, IC 36-7-21, IC 36-7-22, IC 36-7-25, IC 36-7-26, IC 36-8-14.5, IC 36-8 et seq., IC 36-9 et seq., and IC 36-10-3.

(3) That funds on deposit to this fund are custodial in nature, so expenditures from this fund shall be pursuant to and in support of the purposes set forth in this section of this ordinance according to Laws of the State of Indiana;

(C) That the establishment or the purposes of this fund shall not be in derogation of the lawful purposes or construed to exclude the lawful purpose or expenditure from such other funds for the same or similar purposes;

(D) That the sources of money for the fund are the following:

(1) Retainage collected in consequence of a public works or capital improvement project, as set forth in IC 36-1-12, in which the contracts are valued in excess of the threshold set forth in IC 36-1-12-14, and to which the

contractor has agreed to permit the required withholding from a payment to the contractor or subcontractor until the occurrence of specified event to be held by the municipality;

(2) Retainage collected in consequence of a public works or capital improvement project, as set forth in IC 36-1-12, in which the contracts are not valued in excess of the threshold set forth in IC 36-1-12-14 but for which there is a voluntary agreement by a public works contractor to permit withholding from a payment to the contractor or subcontractor until the occurrence of specified event to be held by the municipality;

(3) Interest earned pursuant to I.C. 5-13-9 and Chapter 36 of the municipal code. Such interest shall be subject to IC 36-1-12-14(b);

(E) That the sources of money for the fund will not include room use or lease hold deposits which may be collected from time to time by departments of the municipality nor any withholding as retainage to which a contractor has directed be placed with a bank or state as escrow agent;

(F) That such retainage as may be collected shall be withheld in the amounts as set forth in the provisions of IC 36-1-12 or as may be set forth in an agreement between the contractor and the municipality;

(G) That expenditures from the fund shall be made pursuant to the provisions of I.C. 36-1-12, IC 32-34-1 (if applicable), the terms of a lawful agreement governing the retainage payment.

(1) The funds on deposit to the Fund are considered appropriated and may be disbursed on approved claims allowed by the Town Council or the proper board or commission of jurisdiction, pursuant to IC 5-11-10, IC 36-5-4;

(2) In the event that the retainage for a project is comprised of several sources of funds, under the jurisdiction of several fiscal bodies, the funds on deposit to the Fund associated with a particular projects retainage may either be disbursed on approved claims allowed by the Board of Works, each proper board or commission of jurisdiction according to the components of the retainage, or a s board, council, or commission specified according to an intergovernmental agreement authorized under IC 36-1-7;

(H) That all unused and unencumbered monies do not revert to any fund but the fund created by this ordinance subject to the following:

(1) The sources of revenue for this fund are hereby determined and shall be construed as being received from dedicated funds. As such, the unused and unencumbered balance of an appropriation does not revert at the end of the fiscal year to the fund created by this ordinance, pursuant to I.C. 36-1-8-6(d);

(2) The amount remaining after subtracting, all escrowed principal from all escrowed income, that is not otherwise obligated or encumbered according to an agreement nor subject to unclaimed property law of IC 32-34-1, shall be construed as unobligated, unreserved fund balance that upon a resolution of the Town Council or proper board or commission of jurisdiction, may be transferred to the Corporation General Fund or the general, operating fund of the respective board or commission of jurisdiction.

(I) That the clerk-treasurer shall keep such records and accounting so as to discretely identify retainage balances according to project or contract as may be on deposit to the fund created by this section. The clerk-treasurer as municipal fiscal officer, is hereby further directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the fund herein named and to carryout the provisions of this section of the code.

Non-Codified Provisions

Section 2. (A) That as of *December 31, 2007*, there was an amount or amounts on deposit to and among several funds of the municipality, identified as retainage payable, in consequence of a public works contract associated with a General Improvement Project, styled as ***Branton Avenue Reconstruction Project*** in the total amount of in the total amount of *eighty-one thousand, thirty-five dollars and sixteen cents* (\$81,035.16)

(B) Unless otherwise discharged by act of the proper fiscal body, following the passage and adoption of this ordinance, the municipal fiscal officer shall, according to IC 5-11-10, IC 36-5-4, cause the transfer and deposit to the Fund created by this ordinance of the amount or amounts on deposit to and among several funds of the municipality, identified as retainage payable, in consequence of a public works contract associated with a General Improvement Project, styled as ***Branton Avenue Reconstruction Project*** in the total amount of *eighty-one thousand, thirty-five dollars and sixteen cents* (\$81,035.16), which are particularly identified as follows:

(1)	Waterworks Improvement Fund:	\$ 12,775.54
(2)	General Improvement Fund:	\$ 5,421.20
(3)	Motor Vehicle Highway Fund:	\$ 54,244.29
(4)	Sanitary District Capital Imp. Fund:	\$ 8,594.13

(C) That as of *December 31, 2007*, there was an amount on deposit to the Corporation General Fund of the municipality, identified as retainage payable, in consequence of a solid waste collection contract in the total amount of ten thousand dollars (\$10,000.00);

(D) Unless otherwise discharged by act of the proper fiscal body, following the passage and adoption of this ordinance, the municipal fiscal officer shall, according to IC 5-11-10, IC 36-5-4, cause the transfer and deposit to the Fund created by this ordinance of the amount or amounts on deposit to and among several funds of the municipality, identified as retainage payable, in consequence of a solid waste collection contract in the total amount of ten thousand dollars (\$10,000.00), which is particularly identified as follows:

(1) Corporation General Fund: \$ 10,000.00

Section 3 Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adopted upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 14th day of April 2008. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 14th Day of April 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Bernie Zemen, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

12. Authorization for the Proper Officer to Advertise for a Public Hearing to Consider Additional Appropriations in Excess of the FY 2008 Budget in the amount of \$23,000 for the Motor Vehicle Highway (MVH) Fund. Councilor Herak moved to authorize advertisement of the public hearing for consideration of the an additional appropriation. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was authorized.

13. Resolution No. 2008-15: A Resolution expressing the interest of the Town Council in making a purchase of specified land or a structure, and authorizing (ratifying) obtaining appraisals, all pursuant to IC 36-1-10.5 et seq. (*Appraisals were obtained for 3309 and 3315 Ridge Road*) Councilor Vassar moved the passage and adoption of Resolution No. 2008-15. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
Resolution No. 2008-15**

A Resolution Expressing the Interest of the Town Council in making a Purchase of Real Property located at 3309 Ridge Road and 3315 Ridge Road and Authorizing, Ratifying, and Accepting Appraisals on both Properties, all Pursuant to IC 36-1-10.5 et seq.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality pursuant to IC 36-1-2 et seq., and

Whereas, The Town Council for the Town of Highland is interested in acquiring certain real estate, legally described as Lot 1 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3315 Ridge Road, and Lot 2 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3309 Ridge Road in order to provide for the future expansion of the Town Hall campus located at 3333 Ridge Road; and

Whereas, Pursuant to IC 36-1-10.5-5, the Fiscal Body of the Town of Highland shall pass a resolution to the effect that it is interested in making a purchase of specified land or a structure and shall appoint two (2) appraisers to appraise the market value of the land or structure; and

Whereas, The Town Council for the Town of Highland has engaged the appraisal services of Bochnowski Appraisal Company and KVT, Incorporated, both trained and licensed as brokers under IC 25-34.1, to appraise the fair market value of the property located at 3315 Ridge Road and 3309 Ridge Road, at a fee of \$300.00 per appraisal, total \$1,200.00; and

Whereas, Bochnowski Appraisal Company and KVT, Incorporated have prepared and submitted written appraisals for the properties located at 3315 and 3309 Ridge Road and have determined the fair market value as follows:

<u>Location</u>	<u>Bochnowski</u>	<u>KVT, Inc.</u>	<u>Average</u>
3315 Ridge Road	\$133,000.00	\$132,000.00	\$132,500.00
3309 Ridge Road	\$106,000.00	\$104,000.00	\$105,000.00

Whereas, The Town Council now desires to express its interest to purchase said real property and to approve, ratify and accept the appraisals of the property.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Town Council hereby expresses its interest to purchase real property located at 3315 Ridge Road and 3309 Ridge Road, pursuant to IC 36-1-10.5-5(1);

Section 2. That the Town Council hereby authorizes, ratifies, and approves the appraisals, attached hereto and incorporated by reference, as prepared by Bochnowski Appraisal Company and KVT, Incorporated, for real property located at 3309 Ridge Road and 3315 Ridge Road.

Section 3. That the Municipal Fiscal Officer is hereby authorized to expend Town funds to pay for said appraisals.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 14th day of April 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (a) Action to ratify and authorize a letter previously written and transmitted from the Town Council President in which he represented that the Town Council would be making a formal offer within (30) days on the property located at 3315 Ridge Road. Councilor Vassar moved to ratify and authorize a letter as previously written by the Town Council President as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The letter was ratified and authorized.
- (b) Action to authorize a formal offer on the property located at 3315 Ridge Road, for which the option to purchase expires, Thursday, April 17, 2008. Councilor Vassar moved to authorize the Town Council President to negotiate a price and extend an offer to purchase 3315 Ridge Road, at a price not to exceed the average of the two appraisals, that being \$132,500, and that any offer be contingent upon financing. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Town Council President was authorized to negotiate a purchase.

Committee Reports

Councilor Mark Herak: Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.

Councilor Herak reported from the Sanitary Board that the smoke testing was to begin April 28.

Special Events Advisory Commission reported that plans were underway for Memorial Day and Independence Day planning was moving forward.

Councilor Dan Vassar: Parks and Recreation Board Liaison • Building and Inspection Committee • Plan Commission member.

Councilor Vassar reported for the Parks and Recreation Department that the annual parks pride day was scheduled for Saturday, April 19, 2008 from 9-Noon; Adult Softball enrolled 117 teams.

With leave from the Town Council, Councilor Vassar reported that youth sports programs were conducting a Food Drive in memory of Chela Martinez, April 26, 2008 at Markley Park, Sheppard Park and Sharp Athletic Complex, all associated with opening day baseball ceremonies. Donations would be given to the Food Bank.

Councilor Brian Novak: • Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.

Councilor Novak reported that notices were sent to notify ratepayers of the pending hearing on May 12, 2008 for consideration of an Ordinance to remove the water utility from the jurisdiction of the Indiana Utility Regulatory Commission. He further noted that the Gordon Drive watermain project was nearing completion.

Councilor Novak reported that the Hoosier Prairie was soon to be conducting a controlled burn as part of its natural resources management.

Councilor Konnie Kuiper: Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.

Councilor Kuiper reported that the Traffic Safety Commission would be meeting on May 7 and a Crime Watch meeting would be held on May 14.

Councilor Bernie Zemen: Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.

The Town Council President reported that the Redevelopment Commission would soon be forwarding information related to the establishment of a *Riverfront Development District*. Plans were underway to expand the redevelopment area. Thursday, April 17, 2008 a small meeting with residents of the interested economic development area proposed for the southwest corner of Indianapolis Boulevard and Main Street.

The Town Council Attorney was recognized to report on the recent Courts of Appeals ruling related to the Finke litigation, as reported in the study session.

Comments from the Public for Matters not on the Agenda

1. Karen Slager, 2252 Ridge Road, Highland, expressed her appreciation for the installation of a three way stop sign near the Lake County Public Library in Highland. She further inquired about installation of possible improvements to crosswalks from Jewett Street to the Library.
2. Jim Diehl, 10104 Kennedy Avenue, Highland, inquired about the purposes of the Capital Projects Retainage Agency Fund.

Mr. Diehl further inquired about the deposit of cigarette butts and other rubbish from automobiles while waiting for trains at the crossing near his home.

3. Joe Bartok, 9324 Spring creek Drive, Highland, inquired about amending the current license registration fee of \$100 for mopeds. Mr. Bartok expressed disfavor for \$100 fee for the license.
4. Dan Taffel, 9036 Kleinman Road, Highland, complained about overgrown weeds on property located near the Cady Marsh ditch. He noted that the property had never been cut. He inquired if there was any weed enforcement applicable to this matter.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Herak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period March 25, 2008 through to April 14, 2008. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$419,575.86; Motor Vehicle Highway and Street (MVH) Fund, \$55,482.94; Local Road and Street Fund, \$172.79; Forfeited and Seized Assets Fund, \$910.61; Law Enforcement Cont. Education and Supply Fund, \$135.70; FSA Agency Fund, \$1,283.13; Insurance Premium Fund, \$100,492.17; Gasoline Fund, \$1,226.70; Information and Communications Technology Fund, \$7,850.66; Solid Waste District Grant Fund, \$6,320.00; Donation Fund, \$4.93; Police Pension Fund, \$58,139.36; Municipal Cumulative Capital Development Fund, \$1,921.79; General Improvement Fund, \$125.12; Gaming Revenue Sharing Fund, \$10,000.00; Total: \$663,641.76.

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular meeting of the Town Council meeting of Monday, April 14, 2008 was adjourned at 8:59 O'clock p.m.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, April 14, 2008 at 9:15 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Brian Novak were present. Councilor Konnie Kuiper was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Peter T. Hojnicky, the Metropolitan Police Chief, was also present.

General Substance of Matters Discussed.

1. The Town Council discussed at the request of Councilor Kuiper the competing merits of establishing the position of assistant or acting chief in the metropolitan police department.

The Metropolitan Police Chief reported that the Town Board of Metropolitan Police Commissioners presently fixes the duties of acting chief upon the Commander of the Patrol Division. The discussion noted that if the position was not requiring additional compensation but would in fact be tied to the position of Patrol division commander, the Town Board of Metropolitan Police Commissioners was authorized to fix the duties of its personnel. It was also noted that there was a possible issue of the appearance of Councilor Vassar voting on a matter that would affect his brother. Patrick Vassar who serves as the Patrol Division Commander and also serves as the acting Chief in the absence of chief.

The discussion included a belief that no formal action of establishment would issue from the Town Council nor could any action related to modification of compensation be determined. It was further noted that language could be composed that would formalize the acting chief responsibility resting with the Patrol Commander and set forth the insignia that would be appropriate for the position, that could be adopted by the Town Board of Metropolitan Police Commissioners and then placed in the SOP of the Department.

2. The Town Council discussed with the Metropolitan Police Chief the status of the hiring of Police Officer candidate Kelly Hayes of Griffith.

Councilor Novak departed at 9:45 o'clock p.m.

There being no further matters to discuss, the Town Council Study Session of Monday, April 14, 2008, was adjourned at 10:00 o'clock p.m.

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer